



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** June 22, 2022

**Agenda Item:** Amend Angling Restriction and Fishing Closure Administrative Rules, 12.5.507 and 12.5.508, ARM

**Action Needed:** Endorsement

**Time Needed on Agenda for this Presentation:** 5 minutes

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**Background:** In 2008 the commission adopted a policy through Administrative Rule for implementing angling restrictions or angling closures during periods of drought. These rules are intended to minimize fishery impacts from angling during periods of extremely high temperature, low flow, or both. In most years, angling restrictions and closures as defined in these rules may be used on only one or two waters; in extreme years, such as 2021, they are used much more extensively, with 33 restrictions or closures implemented.

The department is proposing to change these rules to incorporate criteria for cutthroat trout fisheries and to provide additional guidance for when a restriction or closure will be implemented or lifted. FWP data and other research has found that the current restriction and closure criteria for salmonids (daily maximum temperatures reach or exceed 73 degrees Fahrenheit any time of day for three consecutive days) exceeds the mortality threshold for cutthroat trout. The department has determined that adopting criteria at 66 degrees Fahrenheit for cutthroat fisheries would better reduce angling impacts to cutthroat during drought.

Other proposed changes are intended to avoid scenarios where restrictions or closures would be implemented or lifted over a short period of time before a closure or restriction would be re-implemented or lifted again (i.e., an on-again-off-again scenario). For example, a hoot owl restriction may be in place on a river section and rain or a short-term weather event may push water temperature and/or flow above reopening criteria. But, water conditions are expected to only improve for a handful of days before hot temperatures are predicted again. Currently, under this type of scenario the department may lift a restriction for a few days before restricting again when conditions deteriorate. This minimizes benefit to the fishery because it fails to minimize angling impact during what is still a stressful time. It also increases public confusion because the public would not have a clear understanding of when a restriction has been lifted or when one has been implemented. Adjusting the rule to allow the department additional flexibility to delay implementation or lift a restriction during what are expected to be short-term events provides clarity to when restrictions will be implemented or lifted and better protects fisheries from angling impacts during drought.

**Public Involvement Process & Results:** Fisheries staff will continue to work with organized angling groups, such as Montana Trout Unlimited, Fishing Outfitters Association of Montana, and individual anglers to vet rule language. Commission approval will initiate rulemaking, which will include a three-week comment period, at least one public hearing, and summary of and response to comments.

**Alternatives and Analysis:** The commission could initiate rulemaking and the department will begin the process to amend the rules. If no action is taken, the department will maintain status quo and no changes will be made to ARM.

**Proposed Motion:** I move the Fish and Wildlife Commission initiate rulemaking to amend 12.5.507 and 12.5.508, ARM.